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In re Application of
YEUNG et al.
Application No.: 10/581,753
PCT No.: PCT/CN05/00922
Int. Filing Date: 24 June 2005
Priority Date: None
Attorney Docket No.: 42P22003
For: MEASUREMENT AND PRESENTATION OF
SPOKEN LANGUAGE FLUENCY

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: DECISION ON RESPONSE
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: TO NOTIFICATION OF
:
: MISSING REQUIREMENTS
:

This is a decision on applicant's Response to the Notification of Missing Requirements filed in the United States Patent and Trademark Office on 20 February 2009. Applicant's request for a two month extension of time is granted.

BACKGROUND

On 05 June 2006, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by the basic national fee and executed declaration.

On 21 October 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required. The notification specifically stated that the declaration was not executed by the second named inventor.

On 20 February 2009, applicant responded to the Notification with a newly executed declaration along with a request for a two month extension of time.

DISCUSSION

A review of the application file reveals that the given name of the applicant as listed on the published international application is "Robert Du." The declaration, filed on 05 June 2006, was signed by "Ping Du".¹ The executed declaration was not in compliance with 37 CFR 1.497(a) and (b) as the declaration did not name the inventive entity identified in the published international

¹ It does not appear that applicant filed a request under PCT Rule 92bis to change the name of the inventor as no Notification of the Recording of a Change (Form PCT/IB/306) has been submitted which indicates that the name change was accepted.

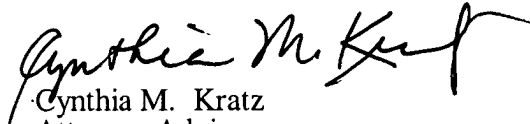
application. Thus, the declaration did not satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

On 20 February 2009, applicant filed a newly executed declaration by Robert Du, Lingfei Song, Nan N. Li and Minerva Yeung. The declaration satisfies the requirements of 37 CFR 1.497(a) and (b) and is acceptable.

CONCLUSION

For the reasons, set forth above, the declaration of inventors submitted by applicants on 20 February 2009 is in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

The application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 20 February 2009.


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